



Legislation Details (With Text)

File #: 2011-2014 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 8/27/2014 **In control:** Zoning Committee

On agenda: 9/22/2014 **Final action:** 9/25/2014

Title: To rezone 7351 REFUGEE ROAD (43137), being 70.5± acres being located on the south side of Refugee Road, 2,000± feet east of Mottsplace Road, From: PUD-6, Planned Unit Development and R, Rural Districts, To: PUD-6, Planned Unit Development District (Rezoning # Z14-011).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD2011-2014Attachments, 2. Notice Of Public Hearing - Council Mtg20140922

Date	Ver.	Action By	Action	Result
9/25/2014	1	CITY CLERK	Attest	
9/24/2014	1	MAYOR	Signed	
9/22/2014	1	COUNCIL PRESIDENT	Signed	
9/22/2014	1	Zoning Committee	Approved	Pass
9/15/2014	1	Columbus City Council	Read for the First Time	

Rezoning Application Z14-011

APPLICANT: Homewood Corporation; c/o Laura MacGregor Comek, Atty.; Crabbe, Brown & James, LLP; 500 South Front Street, Suite 1200; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0-1) on May 8, 2014.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is partially developed with an apartment complex and is zoned PUD-6, Planned Unit Development and R, Rural Districts. The current PUD-6 District allows 206 apartment units and 85 single-unit dwellings with a gross density of 4.45 units per acre. The applicant requests the PUD-6, Planned Unit Development District to allow the single-unit subarea to be revised for multi-unit residential development at a gross density of 4.13 units per acre. Additional acreage was added to the site which reduces the overall proposed density by 0.32 units per acre. A total of 291 units are still being proposed with 37.87± acres of open space. A portion of the site is located within the boundaries of the *Southeast Area Plan* (2000), which recommends park uses for this location. That portion of the site is being maintained as open space and is under the ownership of the City of Columbus. The PUD Plans and text include development standards for maximum number of units, open space, minimum square footages for two and three bedroom units, landscaping, lighting, and building orientation commitments that prevent the backs of buildings from facing public streets. A twenty-five foot landscaped buffer area and relocated open space are proposed along the south and east boundaries of the site in Subarea C in consideration of the abutting single-unit dwellings.

To rezone **7351 REFUGEE ROAD (43137)**, being 70.5± acres being located on the south side of Refugee Road, 2,000± feet east of Mottspplace Road, **From:** PUD-6, Planned Unit Development and R, Rural Districts, **To:** PUD-6, Planned Unit Development District (Rezoning # Z14-011).

WHEREAS, application #Z14-011 is on file with the Department of Building and Zoning Services requesting rezoning of 70.5± acres from PUD-6, Planned Unit Development and R, Rural Districts, to the PUD-6, Planned Unit Development District; and

WHEREAS, the Development Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval of said zoning change because the requested PUD-6, Planned Unit Development District is consistent with the zoning and development pattern of the area. The change in dwelling type from single-unit to multi-unit residential buildings does not increase the overall density, and is further mitigated by the proposed twenty-five foot landscaped buffer area and relocated open space along the south and east boundaries of the site in Subarea C; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Official Zoning Map of the City of Columbus, as adopted by Ordinance No. 0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

7351 REFUGEE ROAD (43137), being 70.5± acres being located on the south side of Refugee Road, 2,000± feet east of Mottspplace Road, and being more particularly described as follows:

**SUBAREA A-1
11.703 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 6, Township 15, Range 20, Congress Lands, being part of that tract of land conveyed to Homewood Corporation, by deed of record in Instrument Number 200104050070748, 200104050070749, and 200104050070750, (all deed references refer to records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

BEGINNING, for reference, at Franklin County Geodetic Survey Monument Number 9978, located in the centerline of Refugee Road, being North 86° 07' 57" West, a distance of 1324.48 feet from Franklin County Geodetic Survey Monument Number 2220;

thence North 86° 01' 14" West, with said centerline, a distance of 95.45 feet to a mag nail set, being the TRUE POINT OF BEGINNING for this description;

thence across said Homewood Corporation tract, the following courses and distances:

South 32° 39' 01" West, a distance of 36.75 feet to a point;

South 27° 42' 42" West, a distance of 250.18 feet to a point;

South 55° 03' 19" West, a distance of 321.50 feet to a point;

South 76° 43' 09" West, a distance of 307.40 feet to a point;

South 87° 39' 54" West, a distance of 39.85 feet to a point; and

North 86° 43' 41" West, a distance of 96.25 feet to a point in the northerly right-of-way line of the Pennsylvania Lines

LLC by deed of record in Instrument Number 200212180325195;

thence North 49° 35' 49" West, with said northerly right-of-way line, a distance of 835.46 feet to a point in the southerly right-of-way line of said Refugee Road;

thence South 88° 39' 02" East, with said southerly right-of-way line, a distance of 522.81 feet to a point;

thence North 84° 53' 21" East, continuing with said southerly right-of-way line, a distance of 126.59 feet to an iron pin found;

thence North 03° 58' 46" East, across said Refugee Road, a distance of 20.00 feet to a mag nail set in the centerline of said Refugee Road;

thence South 86° 01' 14" East, with said centerline, a distance of 822.84 feet to the TRUE POINT OF BEGINING, containing 11.703 acres of land, more or less, 0.340 acre of which falls within the presently occupied right-of-way of Refugee Road.

To Rezone From: PUD-6, Planned Unit Development and R, Rural Districts,

To: PUD-6, Planned Unit Development District.

SUBAREA A-2

13.74 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 6, Township 15, Range 20, Congress Lands, being part of that tract of land conveyed to Homewood Corporation by deeds of record in Instrument Numbers 200104050070748, 200104050070749 and 200104050070750 (all deed references refer to records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at Franklin County Geodetic Survey Monument Number 9978, located in the centerline of Refugee Road, being North 86° 07' 57" West, a distance of 1324.48 feet from Franklin County Geodetic Survey Monument Number 2220;

thence South 54° 02' 01" West, across said Homewood Corporation tract, a distance of 1066.35 feet to a point in the southerly right-of-way line of the Consolidated Rail Corp. Railroad, the TRUE POINT OF BEGINNING for this description;

thence South 40° 55' 47" West, continuing across said Homewood Corporation tract, a distance of 783.42 feet, to a point in a northerly line of that tract conveyed to Crossman Communities of Ohio, Inc. by deed of record in Instrument Number 200308080252148;

thence North 86° 09' 54" West, with said northerly line, a distance of 338.00 feet to a point at the southeasterly corner of that tract conveyed to the City of Columbus, Ohio by deed of record in Official Record 14003G18;

thence North 03° 50' 06" East, with the easterly line of said City of Columbus, Ohio tract, a distance of 1220.25 feet to a point in Blacklick Creek, in the southerly right-of-way line of the Consolidated Rail Corp. Railroad;

thence with said southerly right-of-way line, the following courses and distances:

South 49° 35' 49" East, a distance of 871.75 feet to a point; and

South 51° 36' 50" East, a distance of 134.00 feet to the TRUE POINT OF BEGINNING, containing 13.74 acres of land, more or less.

SUBAREA B
28.471 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 6, Township 15, Range 20, Congress Lands, being part of the remainder of that 58.716 acre tract conveyed to Homewood Corporation by deeds of record in Instrument Numbers 200104050070748, 200104050070749 and 200104050070750, all of those 0.026 and 0.343 acre tracts conveyed to Arbors at Turnberry, LLC by deed of record in Instrument Number 201209280145316, all of that 6.472 acre tract conveyed to Arbors at Turnberry, LLC, and all of the remainder of that 13.575 acre tract conveyed to Arbors at Turnberry, LLC by deed of record in Instrument Number 201002120017848 (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and being more particularly described as follows:

BEGINNING at the northerly common corner of said 13.575 acre tract and the 0.350 acre tract conveyed to City of Columbus, Ohio by deed of record in Instrument Number 200601180010973, being in the southerly line of that 1.351 acre tract conveyed to City of Columbus, Ohio by deed of record in Instrument Number 200601180010973, being the intersection of the southerly right-of-way line of Refugee Road with the westerly right-of-way line of Kenneth Boulevard;

thence South 04°26'14" West, with said westerly right-of-way line, a distance of 203.38 feet to a point;

thence South 86°07'56" East, with the southerly terminus of said Kenneth Boulevard, a distance of 67.44 feet to a point;

thence South 04°30'57" West, with the easterly line of said 13.575 and 6.472 acre tracts, the westerly line of a remainder of said 58.716 acre tract, a distance of 1042.40 feet to a point in the northerly line of that 78.416 acre tract conveyed to Carl E. Smith and Back 80 Ltd. by deed of record in Official Record 33972B06;

thence North 86°16'14" West, with the line common to said 6.472 and 78.416 acre tract, a distance of 190.15 feet to a point in the northeasterly line of that tract conveyed to Pennsylvania Lines LLC by deed of record in Instrument Number 200212180325195;

thence North 61°46'55" West, with said northeasterly line, a distance of 876.01 feet to a point;

thence North 58°23'35" West, continuing with said northeasterly line, a distance of 352.26 feet to a point;

thence North 51°36'50" West, continuing with said northeasterly line, a distance of 393.02 feet to a point at the southeasterly corner of that 11.363 acre tract conveyed to City of Columbus, Ohio by deed of record in Instrument Number 200611130226615;

thence with the line common to said 11.363 acre tract and a remainder of said 58.716 acre tract, the following courses and distances:

South 86°43'41" East, a distance of 96.25 feet to a point;

North 87°39'54" East, a distance of 39.85 feet to a point;

North 76°43'09" East, a distance of 307.40 feet to a point;

North 55°03'19" East, a distance of 321.50 feet to a point;

North 27°42'42" East, a distance of 250.18 feet to a point; and

North 32°39'02" East, a distance of 36.75 feet to a point in the centerline of said Refugee Road;

thence South 86°03'06" East, with said centerline, a distance of 132.46 feet to a point at the northwesterly corner of that

0.263 acre tract conveyed to City of Columbus, Ohio by deed of record in Instrument Number 200601180010973;

thence South 03°52'25" West, with the westerly line of said 0.263 acre tract, a distance of 60.00 feet to a point in the southerly right-of-way line of said Refugee Road;

thence South 86°07'57" East, with said southerly right-of-way line, a distance of 190.52 feet to a point in the westerly line of that tract conveyed to Kenneth and Grace Patrick by deeds of record in Instrument Numbers 200104050070745, 200104050070746 and 200104050070747;

thence with the perimeter of said Patrick tract, the following courses and distances:

South 04°58'45" West, a distance of 132.99 feet to a point;

South 87°02'29" East, a distance of 117.00 feet to a point; and

North 04°24'14" East, a distance of 131.11 feet to a point in said southerly right-of-way line, the southerly line of said 1.351 acre tract;

thence South 86°07'57" East, with said southerly right-of-way line, a distance of 332.65 feet to the POINT OF BEGINNING, containing 28.471 acres of land, more or less.

SUBAREA C **16.577 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 6, Township 15, Range 20, Congress Lands, being part of the remainder of that 58.716 acre tract conveyed to Homewood Corporation by deeds of record in Instrument Numbers 200104050070748, 200104050070749 and 200104050070750 (all references refer to the records of the Recorder's Office, Franklin County, Ohio), being more particularly described as follows:

Beginning, for reference, at Franklin County Geodetic Survey Monument Number 2220 found in the centerline of Refugee Road at the common corner of that 78.416 acre tract conveyed to Carl E. Smith and Back 80 Ltd. by deed of record in Official Record 33972B06 and that 1.351 acre tract conveyed to City of Columbus, Ohio by deed of record in Instrument Number 200601180010973, said monument being South 86° 07' 57" East, a distance of 1324.48 feet from Franklin County Geodetic Survey Monument 9978;

thence South 04° 26' 13" West, with the line common to said 1.351 and 78.416 acre tracts, a distance of 60.00 feet to a point at a common corner of said 1.351 acre tract and a remainder of said 58.716 acre tract, the TRUE POINT OF BEGINNING;

thence South 04°26'13" West, with the line common to said 58.716 and 78.416 acre tracts, a distance of 1244.37 feet to a point;

thence North 86°16'14" West, continuing with said common line, a distance of 582.08 feet to a point at the southeasterly corner of that 6.472 acre tract conveyed to Arbors at Turnberry, LLC by deed of record in Instrument Number 201109280122822;

thence North 04°30'57" East, with the easterly line of said 6.472 acre tract and that 13.575 acre tract conveyed to Arbors at Turnberry, LLC by deed of record in Instrument Number 201002120017848, a distance of 1042.40 feet to a point in the southerly line of that 0.350 acre tract conveyed to City of Columbus, Ohio by deed of record in Instrument Number 200601180010973, being the southerly terminus of Kenneth Boulevard;

thence South 86°07'56" East, with the southerly terminus of said Kenneth Boulevard, the line common to a remainder of said 58.716 acre tract and said 0.350 acre tract, a distance of 7.56 feet to a point;

thence North 04°26'14" East, with said common line, a distance of 203.38 feet to a point in the southerly line of said 1.351 acre tract, being the southerly right-of-way line of Refugee Road;

thence South 86°07'57" East, with said southerly right-of-way line, the line common to a remainder of said 58.716 acre tract and said 1.351 acre tract, a distance of 573.06 feet to the TRUE POINT OF BEGINNING, containing 16.577 acre, more or less.

To Rezone From: PUD-6, Planned Unit Development District,

To: PUD-6, Planned Unit Development District.

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the PUD-6, Planned Unit Development District on this property.

SECTION 3. That the Director of the Department of Building and Zoning Services be, and is hereby authorized and directed to make the said changes on the said original zoning map and shall register a copy of the approved PUD-6, Planned Unit Development District and Application among the records of the Department of Building and Zoning Services as required by Section 3311.09 of the Columbus City Codes; said plan being titled, "**ARBORS AT TURNBERRY SHEETS 1-3**," and said text being titled, "**PLANNED UNIT DEVELOPMENT TEXT**," both dated August 9, 2014, and signed by Laura MacGregor Comek, Attorney for the Applicant, and the text reading as follows:

PLANNED UNIT DEVELOPMENT TEXT

Property Address:	7351 Refugee Rd.
Property Size:	70.48 +/- Acres
Current District:	PUD-6, Planned Unit Development
Proposed District:	PUD-6, Planned Unit Development
Owner and Applicant:	Homewood Corp., et. al. c/o Laura MacGregor Comek 500 S. Front St., 12 th Fl. Columbus, OH 43215 laura@cbjlawyers.com < mailto:laura@cbjlawyers.com >

DATE OF TEXT: August 9, 2014

APPLICATION: Z14 - 011

1. Introduction: The subject property site ("Site") is situated in east Columbus. The Site is located along Refugee Road, north of the Abbie Trails subdivision. The Site is within the SE Area Plan but has no specific land use recommendation.

In 2001, the Site was rezoned from R to PUD-6, with density of 4.45 u/a. There were two sub areas planned: one single family, one multi family. There was also a landscape plan provided. Finally, approximately 50% of the acreage was set aside and donated to the City of Columbus at the beginning of development.

The multi-family phase (shown on the attached PUD plan) has been built, including the Refugee Road landscape/tree buffer.

The Applicant is seeking to rezone the Site from PUD6 to PUD6, to replace the single family component with multi family. Acreage was increased from 68.5 to 70.48 total acres. Open space was increased to a total of 39.10 acres for an overall percentage of 55.4%. The number of total units remains the same and since the acreage was increased the overall density is actually reduced to 4.13 u/a. The applicant proposes to keep/continue the Refugee Road landscape/tree buffer throughout the frontage and newly included areas.

This text includes additional commitments regarding building orientation and compatibility.

2. Development Standards: Minimum size 2 bedroom units shall be 800 sq. ft., and 3 bedrooms 1000 sq. ft.

A. Density, Height, Lot and/or Setback Requirements:

i. Setbacks shall be as shown on the attached PUD Plan.

B. Access, Loading, Parking and/or other Traffic Related Commitments:

i. Access shall be as depicted on the attached PUD Plan and subject to final approval from the Department of Public Service.

ii. At the time of development and construction of the twenty units relocated to the western side of the Subject Property, the Developer shall install a right in - right out access drive to those twenty units (shown as "Future RI/RO" on the attached PUD Plan.

iii. A five (5) foot wide sidewalk or 10 foot wide shared use path shall be provided along and parallel to Refugee Road as approved by the Department of Public Service.

C. Buffering, Landscaping, Open Space and/or Screening Commitments:

i. The Refugee Road frontage landscaping shall be continued through the remaining frontage, per the attached landscape detail.

ii. Mounding, if any, shall have a maximum slope of 3:1.

D. Building Design and/or Interior-Exterior Treatment Commitments:

i. Buildings shall front to public streets. When not possible to front, the elevation shall be substantially similar in design and appearance to the building fronts.

ii. Buildings along Refugee Road shall be no more than 2 stories

E. Dumpsters, Lighting, Outdoor Display Areas, and/or other Environmental Commitments:

i. Decorative street lighting shall be used.

ii. All residential external outdoor lighting fixtures to be used shall be from the same or similar manufacturer's type to insure aesthetic compatibility.

iii. Except for decorative lighting, all other light poles shall be metal or fiberglass and such light poles shall be of the same color.

iv. Building-mounted area lighting within the parcel shall utilize fully shielded cut-off style fixtures and be designed in such a way to minimize off-site light spillage.

v. All new or relocated utility lines shall be installed underground, unless a public utility does not permit underground installation in a particular location or instance.

F. Graphics and Signage Commitments:

i. All signage and graphics shall conform to Article 15 of the Columbus City Graphics Code, as it applies to the 3376 Residential district. Any variance to the sign applicable requirements shall be submitted to the Columbus Graphics Commission.

G. Miscellaneous Commitments:

i. The Applicant's prior contribution of approximately 50% open space and dedication of land to the City was accepted as full compliance with the City's Parkland Dedication Ordinance. The current rezoning seeks less density and adds 5% open space.

ii. The proposed shall be developed in general conformance with the submitted PUD Plan. The plan may be adjusted to reflect engineering, topographical or other site data developed at the time that development and engineering plans are completed. Streets are schematic and subject to change. Any adjustment to the PUD Plan shall be reviewed and may be approved by the Director of the Department of Building & Zoning Services or his designee upon submission of the appropriate data regarding the proposed adjustment.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.